

### **REMARKS**

Claims 1, 2, 5, and 10 have been amended. Claims 1-19 remain in this Application and are presented for the Examiner's reconsideration in light of the above amendments and the following comments.

#### **I. Formal Matters**

Claim 1 has been amended to require formation of the adhesive from a polymer that is at least partially cross-linked by radiation. Support for this Amendment is found on page 16, line 29 to page 17, line 3 of the Specification, as originally filed. Claims 2, 5, and 10 were amended to overcome objections by the Examiner. No new matter has been added.

Attached hereto is a marked-up version of the changes made by the current Amendments. The attached page is captioned **"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

#### **II. Drawings**

The drawings were objected to as failing to comply with 37 C.F.R. §1.84(p)(5). Applicants respectfully direct the Examiner to the Specification, as originally submitted, on page 31, line 2, for Applicants' description of the use of reference number 54 for a "mechanical fastening device." Applicants also respectfully direct the Examiner's attention to page 31, line 19, of the Specification, as originally presented, where reference number 68 refers to the "periphery."

With regard to reference numbers 32, 38, 70, 72, 78, 80, and 82, as presented in FIG. 3, and designations C and D, Applicants submit herewith a proposed drawing correction of FIG. 3 pursuant to 37 C.F.R. §1.85 and M.P.E.P. §608.02(p).

#### **III. Specification**

The Examiner objected to the Specification as not including the issued patent number for the claimed priority document. Applicants have amended the priority claim of the Specification consistent with M.P.E.P. §608.01(b). Applicants respectfully request withdrawal of the Examiner's objection to the Specification.

#### **IV. Claim Objections**

Claims 2, 5, and 10 were objected to for informalities. Applicants have amended the Claims, as requested by the Examiner. Applicants respectfully request withdrawal of the Examiner's objections to Claims 2, 5, and 10.

Claims 15-18 were objected to by the Examiner under 37 C.F.R. §1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim. In particular, the Examiner states that the present claims are drawn to an adhesive, and that the subject matter of Claims 15-18 relate to the article to which the adhesive has been applied. Applicants respectfully traverse this objection.

Applicants respectfully direct the Examiner's attention to the language of Claim 1 of the instant Application. The preamble language of Claim 1 claims an adhesive for a disposable human waste management device. As such, Applicants' invention is directed to a combination of an adhesive for use with a disposable human waste management device. Applicants respectfully direct the Examiner's attention to M.P.E.P. §608.01(n)(III). In particular, the language of this section of the M.P.E.P. states that, "[t]he test for a proper dependent claim under the fourth paragraph of 35 U.S.C. §112 is whether the dependent claim includes every limitation of the claim from which it depends. The test is not one of whether the claims differ in scope." Thus, Claims 15-18 are directed to a combination including everything recited in Claim 1. Further, the fact that Claim 1 and Claims 15-18 may be in different statutory classes does not, in itself, render the latter improper. On this basis, Applicants respectfully request withdrawal of the Examiner's objections to Claims 15-18 under 37 C.F.R. §1.75(c).

#### **V. 35 U.S.C. §102(a)/35 U.S.C. §103(a) Rejection**

The Examiner has rejected Claims 1-11 and 13-18 under 35 U.S.C. §102(a) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over WO 98/28014 to Cinelli, et al. Applicants respectfully traverse this rejection for the following reasons:

1. Applicants' invention, as now presented in Claim 1 by Amendment, claims an adhesive formed from a polymer being at least partially cross-linked by radiation.
2. Contrary to Applicants' invention, *Cinelli* does not form an adhesive from a polymer that is at least partially cross-linked by radiation.
3. Further, the *Cinelli* reference is silent as to how the polymers disclosed therein are formed.

Due to these considerations, *Cinelli* fails to teach each and every element of Applicants' invention. Further, the *Cinelli* reference does not suggest forming an adhesive from a partially cross-linked polymer, as presented in Applicants' amended Claim 1. The *Cinelli* reference fails to disclose, teach, suggest, or render obvious every recited feature of Applicants' amended Claim 1. Therefore, Applicants request withdrawal of the Examiner's 35 U.S.C. §102(a) and 35 U.S.C. §103(a) rejections of Claim 1.

Because dependent Claims 2-19 all depend directly or indirectly from Applicants' amended independent Claim 1, they contain all of its limitations. For this reason, Applicants submit that the arguments made above concerning the allowability of Claim 1 are equally applicable to the rejection of Claims 2-19 under 35 U.S.C. §102(a) and 35 U.S.C. §103(a). Applicants therefore request reconsideration and withdrawal of the Examiner's 35 U.S.C. §102(a) and 35 U.S.C. §103(a) rejections to Claims 2-19.

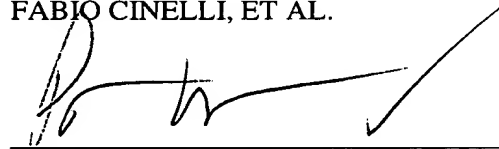
**VI. Summary**

Based on all the foregoing, it is respectfully submitted that each of Applicants' remaining claims are in condition for allowance and favorable reconsideration is requested.

This response is timely filed on March 3, 2003 (March 2, 2003, being a Sunday) pursuant to the provisions of 37 C.F.R. §1.8 and M.P.E.P. §512. If any additional charges are due, the Examiner is authorized to deduct such charges from Deposit Account No. 16-2480 in the name of The Procter & Gamble Company.

Respectfully submitted,

FABIO CINELLI, ET AL.

A handwritten signature in black ink, appearing to read 'Peter D. Meyer', is written over a horizontal line. The signature is stylized with a large 'P' and 'M'.

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**The Specification has been amended as follows on page 1, line 7:**

This application is a continuation of Application Serial No. PCT/US00/02705 filed on February 2, 2000 and published in English which issued as WO 00/45766 on August 10, 2000.

**Claims 1, 3, 5 and 10 have been amended as follows:**

1. An adhesive for a disposable human waste management device:  
said disposable human waste management device comprising a bag;  
said bag comprising an aperture and a flange surrounding said aperture;  
said flange comprising a wearer facing surface and a garment facing surface;  
said wearer facing surface comprising an adhesive;  
said adhesive having an initial peel strength ( $P_I$ ) and a final peel strength ( $P_F$ ) after exposure to water;  
wherein said adhesive is formed from a polymer, said polymer being at least partially cross-linked by radiation;  
wherein the ratio of  $P_I$  to  $P_F$  is from 2:1 to 1:4; and,  
wherein said adhesive has a water absorption capacity of at least 3% by weight.
2. The adhesive of Claim 1, wherein said ratio of  $P_I$  to  $P_F$  is from 2:1.25 to [2:4] 1:2.
5. The adhesive of Claim 1, wherein said adhesive is a layer having a thickness  $C$ , in mm;  
wherein said adhesive has a viscous modulus at a temperature of 25°C ( $G''_{25}(100 \text{ rad/sec})$ ); and,  
wherein said viscous modulus ( $G''_{25}(100 \text{ rad/sec})$ ) is defined by the equation:  
$$G''_{25} \leq [(7.00 + C) \times 3000] \text{ Pa.}$$
10. The adhesive of Claim 1, wherein said adhesive comprises:  
a polymer selected from the group consisting of [acrylics] polyacrylics, sulphonated polymers, [vinyl] polyvinyl alcohols, [vinyl] polyvinyl pyrrolidone, polyethylene oxide, and mixtures thereof; and,  
a plasticizer selected from the group consisting of polyhydric alcohols, polyethylene glycols, glycerols, sorbitols, water, and combinations thereof.